IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21943 of 2004

Between:

Harikishan Karwa S/o.Balakishan Karwa
R/o.H.No.14-2-475, Goshamahal, Hyderazbad.

... PETITIONER

AND

1 The Assistant Commissioner of Endowments Hyderabad,

Tilak Road, Abids, Boggulakunta, Hyderabad.
2 Sri Parushuram Mandir Begum Bazar Hyderabad-represented

by its Manager.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or Direction, more particularly a writ in the nature of writ of Mandamus declaring the action of the 1st respondent i.e., the Assistant Commissioner of Endowments, Hyderabad, in not taking appropriate steps on the representation filed by the petitioner dated 3.8.2004 to protect the property of the temple Sri Parushuram Mandir, Begum Bazaar, Hyderabad, as bad, illegal, arbitrary and opposed to law.

Counsel for the Petitioner: MR.M.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: MR.K.RAVI, STANDING COUNSEL.

The Court at the admission stage made the following :

O R D E R:

The petitioner claims to be the tenant of premises belonging to the second respondent. His grievance is that a third party, by name Tilak Raj, is threatening to dispossess him by claiming to be the purchaser from an erstwhile trustee of the second respondent. He alleges that though he reported the matter to the first respondent, he has not taken any steps so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner does not complain of any instance of interference with the possession by the respondents. If he is facing threat from third parties, or persons other than the lessor, he can certainly have recourse to the remedies under the Civil and Criminal laws. The jurisdiction of the first respondent under the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 is very limited in the context of exercise of quasi-judicial powers. However, as a controlling authority of the endowments, within his jurisdiction, he can certainly issue administrative instructions to the concerned to ensure that the property belonging to such endowment is protected and maintained properly.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies in accordance with law, and also directing that the second respondent shall take such steps, as are permissible within the frame work of law, ensuring that the properties belonged to the second respondent are adequately protected. There shall be no order as to costs.

3rd December, 2004

Note: Issue copy in three days

(B/o)

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To

1 The Assistant Commissioner of Endowments,

Tilak Road, Abids, Boggulakunta, Hyderabad.

2 The Manager, Sri Parushuram Mandir,

Begum Bazar, Hyderabad.

3 Two C.Cs. to the Government Pleader for Endowments,

High Court buildings, Hyderabad (OUT)

4 Two C.D.copies